IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 9012 of 1998

For Approval and Signature:

HON'BLE MR JUSTICE KS JHAVERI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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ARVIND N BAROT - Petitioner(s)

Versus

ONGC LTD. & 2 - Respondent(s)

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Appearance :

MR KS ACHARYA for Petitioner No(s).: 1.

MR KUNAL NAIK for M/S TRIVEDI & GUPTA for Respondent No(s).: 1.
RULE NOT RECD BACK for Respondent No(s).: 2.
RULE SERVED BY DS for Respondent No(s).: 3.

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CORAM : HON'BLE MR JUSTICE KS JHAVERI

Date : 08/08/2005

ORAL JUDGMENT

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1. The petitioner by way of this petition has prayed for the following reliefs:-

A. Your Lordships be pleased to

pass an appropriate writ of mandamus or certiorari or any other suitable writ or order or direction directing the respondents no. 1 and 2 to treat the petitioner as a regular employee of O.N.G.C., the date of his appointment.

B. Restrain the respondents from terminating the services of the petitioner.

C. Declare the impugned action of the respondents of paying less salary to the petitioner than payable to the regular employee by the respondents as arbitrary, illegal, unconstitutional and violative of Article 14 of the Constitution of India.

D. Direct the respondents to regularize the services of the petitioner on the post of A/c. Mech. From the date of his appointment.

E. Direct the respondents to pay arrears of wages to the petitioner on the basis of equal pay for equal work from the initial date of appointment with 18% interest.

F. .....

G. .....

H. .....

2. I have heard the learned counsel for the parties and have perused the materials produced on record. The

issue involved in this petition is squarely covered by the decision of the Apex Court in the case of **Steel Authority of India Ltd., & Ors., v. National Union WaterFront Workers & Ors., reported in 2001 (1) S.C.C. p. 1**. The reliefs claimed by the petitioner cannot be granted by this Court. The appropriate remedy available to the petitioner is to prefer an application before the Labour Court.

3. In above view of the matter, the petitioner shall be at liberty to prefer an application before the Labour court. Such application to be preferred within a period of two months from today. On receipt of such application from the petitioner, the appropriate forum is directed to consider and dispose of the same, as expeditiously as possible and preferably within a period of two years from the date of making such application.

4. With the above observations, the petition stands disposed of. Rule is made absolute to the aforesaid extent with no order as to costs.

[K.S. JHAVERI, J.]

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